

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2232

Introduced by Assembly Member Nielsen

February 18, 2010

An act to amend Section 5007.5 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2232, as amended, Nielsen. Inmates: inmate-initiated medical and dental visits.

Under existing law, the Secretary of the Department of Corrections and Rehabilitation is authorized to charge a fee in the amount of \$5 for each inmate-initiated medical visit of an inmate confined in the state prison. Existing law authorizes the medical provider to waive the fee, requires the medical provider to waive the fee in any life-threatening or emergency situation, as defined, exempts followup medical visits from the fee, and requires all moneys received pursuant to this provision to, upon appropriation by the Legislature, be expended to reimburse the department for direct provision of inmate health care services.

This bill would ~~increase the above fee to \$10~~ *instead require that the above fee be charged* and additionally ~~authorize~~ *require the Secretary to charge a \$5 fee for each inmate-initiated dental visit. The bill would require that these fees be adjusted annually for inflation, as specified. The bill would provide for the fees to be charged even if the inmate has insufficient funds in his or her personal account to cover the fees and, would require that any amounts owing be paid before spending on other items is permitted, except as specified, and would provide for the inmate to be billed for any balance owing, with payment due 6 months after*

release. The bill would require that followup medical or dental visits at the direction of the medical or dental staff be charged in an amount equal to 25% of the initial fee charged. The bill would remove the requirement that the fee be waived in any life-threatening or emergency situation and modify the definition of emergency services. The bill would require the dental provider to waive the fee in any life-threatening or emergency situation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5007.5 of the Penal Code is amended to
2 read:
3 5007.5. (a) The Secretary of the Department of Corrections
4 and Rehabilitation ~~is authorized to~~ *shall* charge a fee in the amount
5 of ~~ten dollars (\$10)~~ *five dollars (\$5)* for each inmate-initiated
6 medical visit and in the amount of five dollars (\$5) for each
7 inmate-initiated dental visit of an inmate confined in the state
8 prison. Commencing with the 2011–12 fiscal year, the fees
9 established in this subdivision shall be adjusted annually for
10 inflation using data from the Department of Finance.
11 (b) (1) The fees shall be charged to the prison account of the
12 inmate. If the inmate does not have sufficient funds in his or her
13 personal account to cover the fee, the account shall be debited and
14 may carry a negative balance. Any amounts owing must be paid
15 before spending on other items is permitted and shall be
16 subordinate only to court-ordered payments, such as victim
17 restitution.
18 (2) *Any negative balance associated with an inmate's prison*
19 *account shall be discharged from the trust accounting system at*
20 *the time of the inmate's release. The balance shall be billed to the*
21 *inmate and shall be due six months from the date of release. Any*
22 *unpaid balance shall be reinstated into the trust accounting system*
23 *if the inmate returns to custody.*
24 (c) An inmate shall not be denied medical care because of a
25 lack of funds in his or her prison account.
26 (d) The medical or dental provider ~~may~~ *shall* waive the fee for
27 any inmate-initiated treatment in any life-threatening or emergency
28 situation, defined as those health services required for immediate

1 diagnosis or treatment of unforeseen medical conditions that if not
2 immediately diagnosed or treated could reasonably be expected
3 to lead to disability or death.

4 (e) Followup medical or dental visits at the direction of the
5 medical or dental staff shall be charged to the inmate in an amount
6 equal to 25 percent of the fee initially charged to the inmate
7 pursuant to subdivision (a).

8 (f) All moneys received by the Secretary of the Department of
9 Corrections and Rehabilitation pursuant to this section shall, upon
10 appropriation by the Legislature, be expended to reimburse the
11 Department of Corrections and Rehabilitation for direct provision
12 of inmate health care services.